

REMARKS

This amendment is filed in response to the Office Action dated December 26, 2002. This application should be allowed and the case passed to issue. No new matter is raised by this amendment. Support for the amendment to claim 1 is found in the specification at page 10, lines 13-24 and Figures 1A-1C, 2A and 2B. Amended claim 3 is supported by the specification at page 14, line 24 to page 15, line 9. New claim 6 is supported by Fig. 5B and 5C and the accompanying portions of the specification. Fig. 5C and the accompanying portion of the specification support new claim 7.

Drawings

The Drawings are objected to by the Draftsperson. In response to this objection, corrected drawings are attached in an attached separate paper. The margins, numbers, line thickness, and shading are corrected, as required by the Draftsperson.

Claim Rejections Under 35 U.S.C. § 112

Claim 4 is rejected under 35 USC § 112, second paragraph, because the recited "and the like" renders the claim scope indefinite. This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested. Claim 4 has been amended, and Applicant submits it fully comports with the requirements of 35 U.S.C. § 112.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-3 are rejected under 35 USC § 102(b) as being anticipated by Matsunaga et al. (U.S. Patent No. 5,949,502). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested. The following is a comparison between invention as claimed and the cited prior art.

An aspect of the invention, per claim 1, is a liquid crystal display device comprising a liquid crystal display element, with a pair of opposing main surfaces and an outside edge transverse to the main surfaces at the periphery of the main surfaces, in which a liquid crystal material is interposed between two opposed insulating substrates. A cushion material is arranged in the case body in a frame-like form and surrounds the outside edge of the liquid crystal display element and holds the liquid crystal display element by fitting it into the frame-like form of the cushion material. The cushion material is constituted such that the fitting portion between the case body and the LCD cover is oppressed by the fact that the liquid crystal display element is fitted into the cushion material and oppresses the cushion material against the fitting portion.

Another aspect of the invention, per claim 3, is a liquid crystal display device comprising a liquid crystal display element, with a front main surface and a back main surface, in which a liquid crystal material is interposed between two opposed insulating substrates. Hinge members are fixed to the case body and support the case body and the LCD cover combined with the case body in a rotational state. Pawl portions are provided in the LCD cover and extend to a space between the case body and the hinge members to engage with the hinge members.

Matsunaga does not anticipate the instant claims. Matsunaga does not teach fitting the liquid crystal display element into the frame-like form of a cushion material so that the cushion material surrounds the outside edge of the liquid display element, and the liquid crystal display element oppressing the cushion material against the fitting portion, as required by claim 1. The liquid crystal element of Matsunaga is not fitted into the frame-like form of a cushion material. In addition, the cushion material of Matsunaga

does not surround the outside edge of the liquid crystal element, as required by claim 1. Rather, the cushion material of Matsunaga is positioned on the main surfaces of the liquid crystal element.

As regards claim 3, Matsunaga does not disclose or suggest that the pawl portions extend to a space between the case body and the hinge members.

The factual determination of lack of novelty under 35 USC § 102 requires the disclosure in a single reference of each element of a claimed invention. *Helifix Ltd. v. Blok-Lok Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994); *Hoover Group, Inc. v. Custom Metalcraft, Inc.*, 66 F.3d 299, 36 USPQ2d 1101 (Fed. Cir. 1995); *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). Because Matsunaga does not disclose fitting the liquid crystal display element into the frame-like form of a cushion material so that the cushion material surrounds the outside edge of the liquid display element and that the liquid crystal display element oppresses the cushion material against the fitting portion, and that the cushion material of Matsunaga surrounds the outside edge of the liquid crystal element, Matsunaga does not anticipate claim 1. Because Matsunaga does not disclose that the pawl portions extend to a space between the case body and the hinge members, Matsunaga does not anticipate claim 3.

Applicant further submits that Matsunaga does not suggest the instant claims.

Claim Rejections Under 35 U.S.C. § 103

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsunaga in view of Salimes (U.S. Patent No. 6,476,883). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested. The following is a comparison between the invention as claimed and the cited prior art.

An aspect of the instant invention, per claim 4, is a liquid crystal display device comprising a liquid crystal display element, with a front main surface and a back main surface, in which a liquid crystal material is interposed between two opposed insulating substrates. A case body is opposed to the back main surface of the liquid crystal display element. An LCD cover is opposed to an outer portion of the front main surface of the liquid crystal display element. A hinge member supports the case body and the LCD cover. Pawl portions are provided in the LCD cover in portions where the hinge member is mounted, and are fixed to the case body together with the hinge member by bolt means.

The Examiner asserts that Matsunaga substantially teaches the claimed liquid crystal display device except for the hinge with a bolt. The Examiner relies on Salimes teaching of a hinge assembly having bolts. The Examiner concludes it would have been obvious to combine Salimes with Matsunaga because bolts are commonly used in hinge assemblies.

Applicant traverses this rejection because there is no suggestion in either Matsunaga or Salimes to provide pawl portions provided in the LCD cover fixed to the case body by bolt means together with the hinge, as required by claim 4. Matsunaga does not teach how the pawl is fixed to the case body and does not disclose fixing the pawl

together with hinge. Salimes also does not disclose the pawl fixed together with the hinge.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge readily available to one of ordinary skill in the art. *In re Kotzab*, 217 F.3d 1365, 1370 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). There is no suggestion in Salimes to modify the device of Matsunaga to include a pawl portion in the LCD cover in a portion where the hinge member is mounted and fixed to the case body together with the hinge member by a bolt means, as required by claim 4.

In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to discharge the initial burden by, *inter alia*, making "**clear and particular**" factual findings as to a **specific understanding** or **specific technological principal** which would have **realistically** impelled one having ordinary skill in the art to modify an applied reference (Matsunaga's liquid crystal display device) to arrive at the claimed invention (a liquid crystal display device with a pawl portion in the LCD cover in a portion where the hinge member is mounted and fixed to the case body together with the hinge member by a bolt means) based upon facts, -- not generalizations. *Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 57 USPQ2d 1161 (Fed. Cir. 2000); *Ecolchem Inc. v. Southern California Edison, Co.*, 227 F.3d 1361, 56 USPQ2d 1065 (Fed. Cir. 2000); *In re Kotzab, supra*; *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). That burden has not been discharged, as the Examiner has provided no factual basis for modifying Matsunaga's liquid crystal

display device to obtain the claimed liquid crystal display device. The Examiner did not make the requisite "clear and particular" factual findings to support the conclusion that one having ordinary skill in the art would have been realistically led to deviate from Matsunaga's device to obtain the claimed memory module.

There is no factual basis in either Matsunaga or Salimes to support the conclusion that one having ordinary skill in the art would have been led to manufacture the claimed liquid crystal display device with a pawl portion in the LCD cover in a portion where the hinge member is mounted and fixed to the case body together with the hinge member by a bolt means.

The requisite motivation to support the ultimate legal conclusion of obviousness under 35 U.S.C. § 103 is not an abstract concept, but must stem from the applied prior art as a whole and realistically impel one having ordinary skill in the art to modify a specific reference in a specific manner to arrive at a specifically claimed invention. *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995); *In re Newell*, 891 F.2d 899, 13 USPQ2d 1248 (Fed. Cir. 1989). Accordingly, the Examiner is charged with the initial burden of identifying a source in the applied prior art for the requisite realistic motivation. *Smiths Industries Medical System v. Vital Signs, Inc.*, 183 F.3d 1347, 51 USPQ2d 1415 (Fed. Cir. 1999); *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1449 (Fed. Cir. 1997). The Examiner has not met the burden of identifying a source in the applied prior art for the required realistic motivation of modifying the liquid crystal display device of Matsunaga to obtain the claimed device.

The Examiner has not explained how the combination of Matsunaga and Salimes, would have led a person having ordinary skill in the art to achieve the claimed liquid

crystal display device. The burden is on the Examiner to explain how the prior art would have led a person having ordinary skill in the art to the liquid crystal display device. The Examiner has not met the burden on this record and therefore has not established a *prima facie* case of obviousness.

The only disclosure of the claimed liquid crystal display device, wherein the pawl portion in the LCD cover in a portion where the hinge member is mounted and fixed to the case body together with the hinge member by a bolt means is found in Applicant's disclosure. Though, the Examiner asserted that the display device would have been obvious, the teaching or suggestion to make a claimed combination and the reasonable expectation of success must both be found in the prior art, and not be based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Apparently, the Examiner has relied on impermissible hindsight reasoning in reaching the conclusion of obviousness.

The dependent claims are separately patentable and further distinguish the claimed invention. For example, the Examiner apparently gives little weight to the claim 5 limitation that the LCD cover and the case body are constituted such that the hinge member can be mounted after the LCD cover and the case body have been combined. However, this limitation further distinguishes the invention and requires an arrangement of the hinge member, pawl, LCD cover, and case body not suggested by the prior art.

Applicant submits that new claims 6 and 7 further distinguish the claimed invention. The cited prior art does not suggest the hinge member and the pawl portion of the LCD cover fixed between the case body and the spacer, as required by claim 6. The cited prior art also does not suggest the liquid crystal display device, wherein a protrusion

portion is provided on the case body, the pawl portion and the hinge member are fitted with the protrusion portion, and the bolt means is inserted through the spacer and screwed into the protrusion portion, as required by claim 7.

In light of the Amendments and Remarks above, this application should be allowed and the case passed to issue. If there are any questions regarding this application, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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